



Senate

General Assembly

File No. 18

January Session, 2013

Substitute Senate Bill No. 519

Senate, March 4, 2013

The Committee on Aging reported through SEN. AYALA, A. of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 17b-403 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (b) The State Ombudsman shall serve on a full-time basis, and shall
5 personally or through representatives of the office:

6 (1) Identify, investigate and resolve complaints that:

7 (A) Are made by, or on behalf of, residents or, as to complaints
8 involving the application for admission to a long-term care facility, by
9 or on behalf of applicants; and

10 (B) Relate to action, inaction or decisions that may adversely affect
11 the health, safety, welfare or rights of the residents, including the
12 welfare and rights of the residents with respect to the appointment and

13 activities of guardians and representative payees, of (i) providers or
14 representatives of providers of long-term care services, (ii) public
15 agencies, or (iii) health and social service agencies;

16 (2) Provide services to protect the health, safety, welfare and rights
17 of the residents;

18 (3) Inform the residents about means of obtaining services provided
19 by providers or agencies described in subparagraph (B) of subdivision
20 (1) of this subsection or services described in subdivision (2) of this
21 subsection;

22 (4) Ensure that the residents and, as to issues involving applications
23 for admission to long-term care facilities, applicants have regular and
24 timely access to the services provided through the office and that the
25 residents and complainants receive timely responses from
26 representatives of the office to complaints;

27 (5) Represent the interests of the residents, and of applicants in
28 relation to issues concerning applications to long-term care facilities,
29 before governmental agencies and seek administrative, legal and other
30 remedies to protect the health, safety, welfare and rights of the
31 residents;

32 (6) Provide administrative and technical assistance to
33 representatives to assist the representatives in participating in the
34 program;

35 (7) (A) Analyze, comment on and monitor the development and
36 implementation of federal, state and local laws, regulations, and other
37 governmental policies and actions that pertain to the health, safety,
38 welfare and rights of the residents with respect to the adequacy of
39 long-term care facilities and services in this state and to the rights of
40 applicants in relation to applications to long-term care facilities;

41 (B) Recommend any changes in such laws, regulations, policies and
42 actions as the office determines to be appropriate; and

43 (C) Facilitate public comment on [the] such laws, regulations,
44 policies and actions;

45 (8) Advocate for:

46 (A) Any changes in federal, state and local laws, regulations and
47 other governmental policies and actions that pertain to the health,
48 safety, welfare and rights of residents with respect to the adequacy of
49 long-term care facilities and services in this state and to the health,
50 safety, welfare and rights of applicants which the State Ombudsman
51 determines to be appropriate;

52 (B) Appropriate action by groups or agencies with jurisdictional
53 authority to deal with problems affecting individual residents and the
54 general resident population and applicants in relation to issues
55 concerning applications to long-term care facilities; and

56 (C) The enactment of legislative recommendations by the General
57 Assembly and of regulatory recommendations by commissioners of
58 Connecticut state agencies;

59 (9) (A) Provide for training representatives of the office;

60 (B) Promote the development of citizen organizations to participate
61 in the program; and

62 (C) Provide technical support for the development of resident and
63 family councils to protect the well-being and rights of residents;

64 (10) Coordinate ombudsman services with the protection and
65 advocacy systems for individuals with developmental disabilities and
66 mental illnesses established under (A) Part A of the Development
67 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
68 (B) The Protection and Advocacy for Mentally Ill Individuals Act of
69 1986 (42 USC 10801 et seq.);

70 (11) Coordinate, to the greatest extent possible, ombudsman services
71 with legal assistance provided under Section 306(a)(2)(C) of the federal

72 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from
73 time to time, through the adoption of memoranda of understanding
74 and other means;

75 (12) Create, and periodically update as needed, a training manual
76 for nursing home facilities identified in section 19a-522c, as amended
77 by this act, that provides guidance on structuring and implementing
78 the training required by said section;

79 ~~[(12)]~~ (13) Provide services described in [subdivisions (1) to (11),
80 inclusive, of] this subsection, to residents under age sixty living in a
81 long-term care facility, if (A) a majority of the residents of the facility
82 where the younger person resides are over age sixty and (B) such
83 services do not weaken or decrease service to older individuals
84 covered under this chapter; and

85 ~~[(13)]~~ (14) Carry out such other activities and duties as may be
86 required under federal law.

87 Sec. 2. Section 19a-522c of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2013*):

89 A nursing home administrator of a chronic and convalescent
90 nursing home or a rest home with nursing supervision shall ensure
91 that all facility staff receive annual in-service training in (1) an area
92 specific to the needs of the patient population at such facilities, and (2)
93 as part of any training that may be required concerning patients' rights
94 pursuant to section 19a-550, patients' fear of retaliation from
95 employees or others. A nursing home administrator shall ensure that
96 any person conducting the in-service training is familiar with needs of
97 the patient population at the facility, provided such training need not
98 be conducted by a qualified social worker or qualified social worker
99 consultant. A nursing home administrator shall ensure that the in-
100 service training in patients' fear of retaliation includes discussion of
101 (A) patients' rights to file complaints and voice grievances, (B)
102 examples of what might constitute or be perceived as employee
103 retaliation against patients, and (C) methods of preventing employee

104 retaliation and alleviating patients' fear of such retaliation. In
105 accordance with section 19a-36, the Commissioner of Public Health
106 shall amend the Public Health Code in conformity with the provisions
107 of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	17b-403(b)
Sec. 2	October 1, 2013	19a-522c

Statement of Legislative Commissioners:

In subsections (b)(1)(A), (b)(4) and (b)(8)(C) of section 1, existing statutory language was restored for accuracy and clarity, and in section 2, "residents" was changed to "patients" for consistency of terminology and "required residents' rights training" was changed to "any training that may be required concerning patients' rights pursuant section 19a-550" for accuracy and clarity.

AGE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no fiscal impact as it specifies nursing home staff training requirements, which is not anticipated to impact state payments to nursing homes.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 519*****AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION.*****SUMMARY:**

Current law requires a nursing home administrator to ensure that all nursing home staff receive, from a trainer familiar with the home's patient population, annual in-service training in an area specific to the patients' needs. The bill requires the training also to include, as part of any required training on the nursing home patients' bill of rights, patients' fear of retaliation (see BACKGROUND). Specifically, the training must discuss (1) patients' rights to file complaints and voice grievances, (2) examples of what constitutes or may be perceived as employee retaliation against patients, and (3) methods to prevent and alleviate patients' fear of such retaliation. The public health commissioner must make conforming changes to the Public Health Code.

The bill also requires the state long-term care ombudsman to create and periodically update a training manual that provides nursing home administrators with guidance on structuring and implementing this new training requirement.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Nursing Home Patients' Bill of Rights Training***

The law establishes a nursing home patients' bill of rights that contains a broad and detailed set of rights that an individual must be informed of before or upon admission to the facility and during the patient's stay. Federal and state laws do not require nursing homes to train employees specifically on the nursing home patients' bill of

rights. However, federal nursing home regulations require homes to provide initial and on-going training to employees on patient abuse, neglect, and mistreatment (42 CFR 483.74(e)). Such abuse and neglect is prohibited under the patients' nursing home bill of rights.

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 11 Nay 0 (02/14/2013)